

Work Session  
Planning Board - November 6, 1996

The Town of Hamburg Planning Board met for a work session in the conference room at S-6122 South Park Avenue. Those attending included: Chairman Richard Crandall, Vice-Chairman David Phillips, Secretary Gerard Koenig, Paul Eustace, Sue Ganey, Don Fitzpatrick. Others attending included Attorney Don McKenna, Drew Reilly, Rich Whipple, and Terry Dubey, Stenographer. Excused: R. Pohlman

The following Legal Notice appeared in the Hamburg Sun:

**LEGAL NOTICE**  
**TOWN OF HAMBURG**  
**PLANNING BOARD AGENDA**  
**NOVEMBER 6, 1996**  
Notice is hereby given that the Planning Board will meet on the following procedure for the plan approval at the Work Session scheduled for November 6, 1996 at 7:30 p.m. at S-6122 South Park Avenue.

Riverview Chiropractic Office - Southwestern Blvd. (formerly known as Southwestern Lighting) across from Tops on McKim Blvd. W. Davis and M. Anzalone  
Review the site plan for a deck addition to Roubin's Restaurant located at 4197 Lake Shore Blvd.  
Project review to follow  
Richard Crandall, Chairman  
Gerard Koenig, Secretary  
10:31

**Riverview Chiropractic Office - Southwestern Blvd. (Former Southwestern Lighting).**

Messrs. Mike Anzalone and William Davis appeared before the Planning Board on a proposed chiropractic center which is to be located in the former Southwestern Lighting building on Southwestern Blvd. across from Tops. Concerns raised were as follows: **Planning** - requires internal modifications - change to parking. **Engineering:** 1. The site plan does not comply with the requirements checklist. It should be revised accordingly. 2. The previous site plan for this property dated 6-8-87, required that precast concrete wheel stops be placed at each parking spot. These are not presently in place. 3. The entire area behind the building is a stone parking area. There is a garbage dumpster which is not setting on a concrete pad or enclosed with fencing. There are several piles of old equipment, stone and discarded blacktop dumped behind the building. It appears that a business is being operated out of the existing framed garage shown on the plan. We could not find a record of any approvals for a business in the garage. We would like to know if sewer and water service is available to the garage and what the building is being used for. If the business is a permitted use, then the site should be cleaned up, paved, and brought up to current site plan standards.

Mr. Anzalone stated that to his knowledge, there is no business being conducted from the garage. This has been used as a storage area for Mr. Debo's articles. The equipment on premises related to the parking area that is to be paved. The dumpster will

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be moved to its original location on the other side of the garage. It was also noted that someone has been contracted to increase the size of the parking area. Applicant was advised to contact Kurt Allen of Building Inspection on these items.

Motion was made by Mr. Phillips, seconded by Ms. Ganey to issue a Negative Declaration for the project; approve the site for the Riverview Chiropractic facility subject to implementation of the Engineering comments; that the area be cleaned up of all debris, that the dumpster is to be relocated with proper screening; that parking wheel stops be installed as required on the June 8th, 1987 site plan; that the required parking spaces are provided and paved; and that no other business is to be operating on the out building of the premises. Carried.

**Rodney's Deck - 4432 Lake Shore Road**

Mr. Ron Hosken appeared on behalf of Rodney's Restaurant located on the Lake Shore Rd. A variance was granted on 12 parking spaces and they also produced a shared parking agreement with Joseph Enser who operates the BP gas station next door. Engineering has requested that the station should have appropriate signage, restricting usage by other than restaurant patrons.

Motion was made by Mr. Phillips, seconded by Mr. Fitzpatrick to issue a Negative Declaration and approve the deck for Rodney's Restaurant with the addition of signage for the parking spots for priority use. Carried.

**Richwood Acres** - Applicant asked to be tabled until the December meeting. Motion was made by Mr. Phillips, seconded by Mr. Koenig to Table until the December session. Carried.

**Scranton Park Subdivision - Waiver of Sidewalks on Scranton Rd.**

At the recommendation of the Engineering Dept., the Planning Board has been asked to waive the sidewalk requirement for Scranton Road as there is not enough room to put a sidewalk.

Motion was made by Mr. Phillips, seconded by Mr. Eustace to waive the sidewalk requirement for Scranton Rd. only.

**End of Public Meeting - To proceed to Project Review**

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Project Review

Southtown's Christian Center - Mr. Tommaso Briatico appeared before the Planning Board on a proposed church to be located in the Southtown's Christian Center on Lakeview Road. Eventually, there will also be an administration bldg. classrooms, and senior housing. For now, a 50' x 50' interim sanctuary is proposed. Mr. Reilly noted that the drawing is somewhat confusing. He would only like to see the first phase of the proposal shown. Size of church, seats versus number of parking spaces should be indicated. Wetland boundaries are to be added. Also, elimination of the entrance on Southwestern Blvd. is also encouraged.

Comments from **Engineering** are as follows:

TO : Planning Board

FROM: Engineering Dept.

DATE: 11/4/96

SUBJ: 11/6/96 PLANNING BOARD WORK SESSION AGENDA  
Southtowns Christian Center - Lakeview Rd. at Route 20

The following are review comments on plans dated 10/3/96:

- (1) Include an appropriate Clearing, Stripping and Erosion Control (CSEC) plan and associated construction details in accordance with Federal, State and local regulations.
- (2) Note on the plan that a New York State Dept. of Transportation (NYSDOT) permit is required for work within the Southwestern Boulevard right-of-way, and that an Erie County Highway Department (ECHD) permit is required for work within the Lakeview Road right-of-way.
- (3) The approval of the Erie County Health Dept. is required for the sewage disposal (septic) system. We will not approve the plans without their review and approval.
- (4) Public water service is not presently available along the frontage of the site. The developer is currently discussing water service options with the Erie County Water Authority (ECWA). We will not approve the plans without the approval of the ECWA. Show the proposed waterline extension and fire hydrants on the plan.
- (5) The Landscape Plan is to be reviewed and approved by the Planning Dept.
- (6) 6" raised concrete curbing is to be specified at the entrance driveways off Southwestern Blvd. and Lakeview Road. All landscape islands are to also have 6" curbing. The road and parking areas adjacent to the storm water detention basins are to be curbed and protected by bollards, fence, or guide rail.

- (7) The storm sewer system is to have a minimum of two feet of cover over the top of the pipe, and a minimum diameter of 10 inches. Rip-rap stone is to be placed at all end sections. Detail and specify the quantities of rip-rap stone required.
- (8) A minimum of sixty (60') feet of pipe is required under all driveway connections to Southwestern Blvd. and Lakeview Road.
- (9) Provide a perimeter swale along the east side of the developed portion of the property. Include proposed swale grades on the plan.
- (10) Show locations of parking lot lighting fixtures.
- (11) Additional proposed grade elevations, as well as arrows to indicate the directions of drainage flows are required. Provide a cross-section for the drainage channel proposed along the southerly property line.
- (12) It is required that the storm water detention facilities ~~retain the difference between the 25 year/6 hour storm developed conditions and the 10 year pre-construction conditions.~~ The calculations require 8" pond outlet pipes, but 12" outlet pipes are shown on the plan. Provide details of the detention ponds. Specify 3 feet horizontal on 1 foot vertical mowable side slopes. Provide an outlet control structure for overflow conditions at the ponds.
- (13) Delineate the locations of any Federal and State wetlands within and adjacent to the property.

All comments must be addressed for approval.

**Schoelkopf Estates - Old Lakeshore Rd. - Jake Schoellkopf**

Messrs. Mike Sendor, Jake Schoellkopf, and Bill Arlow appeared before the Planning Board on a proposed change of a 4 lot subdivision which was approved in August for a modification. They would like to reduce the number of lots to 3 as the partners were not in agreement with the shared access drives. Item is to be readvertised for November 20th, 1996 at 7:30 p.m.

Engineering:

TO : Planning Board  
FROM: Engineering Dept.  
DATE: 11/4/96  
SUBJ: 11/6/96 PLANNING BOARD WORK SESSION AGENDA  
Schoellkopf Estate - S-6252 Old Lakeshore Road

The following are review comments on a plan last revised on October 11, 1996 and received on October 18, 1996:

The plan is very similar to the plan approved by the Planning Board on 8/28/96.

We have no further review comments on the plan.

**Todorov Subdivision - Heltz Rd.**

This is a situation where a lot was illegally subdivided and does not meet present zoning conditions. The parcel is zoned R-A, Residential Agricultural and has a width of 125' instead of the required 200'. Applicant is shy about 75'. The problem is that the other land was sold to an individual owner. Applicant was advised to discuss the matter with an Attorney and the subdivision fee is to be refunded. Motion was made by Mr. Phillips, seconded by Ms. Ganey to refund the fee to the applicant. Carried.

**Richwood Acres** - Applicant has asked to be tabled. They are in the process of getting a traffic study completed. Engineering comments are attached.

DATE: 11/4/96  
SUBJ: 11/6/96 PLANNING BOARD WORK SESSION AGENDA  
Sketch Plan Review-Richwood Acres Part 2  
Fairgrounds Road

The following are review comments on plans last revised 9/30/96:

- (1) The site is within Erie County Sewer District No. 3 (ECSD No. 3) The district should be contacted to determine if there is sufficient excess capacity in their system to service the site. We have not yet received any response from ECSD No. 3 in this regard.
- (2) The site is in an existing Town water district. The developer, Town, and the Erie County Water Authority (ECWA) have been working together to improve water service to the site. ECWA is requiring that the developer replace the existing 6" diameter waterline with an 8" waterline along the entire length of Fairgrounds Road. The developer has not yet indicated if they will proceed with such.

## Richwood Continued

- (3) Storm water detention facilities will be required for the site, well as appropriate arrangements for maintenance of the facilities. This plan with five (5) storm water detention areas shown is not acceptable. We will approve a maximum of two (2) such facilities, and prefer that only one storm water detention pond be constructed. Revise as necessary.
- (4) Town subdivision regulations, Section 31-22 (D-3), require that the centerline road radius be a minimum of 150 feet. The northern entrance off Fairgrounds Road appears to be less than 150 feet. This is to be revised as required.
- (5) The proposed 850 feet long dead-end cul-de-sac exceeds the maximum street length of 500 feet required in Town subdivision regulations Section 31-22(H). A 70 feet wide right-of-way west of the cul-de-sac was reserved for a future road on Map Cover No. 2462, as approved by the Planning Board in 1985. This right-of-way should be used to connect the roadway into Fairgrounds Road, or the cul-de-sac street length should be reduced to a maximum of 500 feet in length. Revise as necessary.
- (6) Any contemplated variance from the regulations discussed in the above items (No. 4 and No. 5) is required to be authorized by the Planning Board in accordance with Town subdivision regulations Section 31-6. We do not consider that a variance would be in the best interest of the subdivision residents or the Town.
- (7) The Erie County Highway Department (ECHD) should be contacted to determine if the proposed road connection to McKinley Parkway is acceptable.
- (8) The existing right-of-way of Quinby Drive is 49.5 feet wide (not 60 feet as shown).
- (9) A right-of-way should be reserved along the westerly portion of the site, in order to provide for a possible future through-street connection to Arthur Court.
- (10) As requested by the Planning Board at the 10/16/96 meeting, a traffic study is being performed by the developer. We have received a proposed scope of work from EMS Consulting in this regard.
- (11) The developer has not yet responded to 9/16/96 and 9/17/96 correspondence received from residents of Fairgrounds Road, relative to wetlands concerns associated with the proposed subdivision.

All comments must be addressed for approval.

Mrs. Kathy Sehalmo of Fairgrounds Road stated that they have been meeting with the developer and would like a buffer around their area to preserve the integrity of the neighborhood.

Motion was made by Mr. Phillips, seconded by Mr. Koenig to Table until the December 20th meeting. Carried.

**Cherry Hill Estates - name changed to Rolling Ridge**

Messrs. Kevin Curry and Mike Metzger appeared before the Planning Board on their proposed 82 sub lot division to be located off Holly Place. They are in the process of working out the water pressure and fire flow problems with Erie County Water. The issue of the traffic study was discussed. Board members noted that an 80 lot subdivision does not warrant a traffic study. At the present time, the applicant is trying to work out the details of the intersection. The Planning Board noted that a memo should be sent to the Town Board requesting that improvements be made to the current playground and that the money collected in lieu of should go to improving the playground area.

Mr. Tim Ellis, in the staff meeting, noted that they are trying to improve some of the traffic conditions in the area by signing the area. They have authorized playground signs and speed advisory signs. Letters were also given to the Planning Board noting that they are working on addressing some of the issues that were raised at the last Planning Board meeting. (See Attachments).

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November 6, 1996

Mr. Richard Crandall  
Town of Hamburg Planning Department  
8 51st South Park Avenue  
Hamburg, NY 14075

Re: Proposed 81 lot subdivision (formerly called Tiffany Meadows)  
South Abbott Road, south of Best Street  
Hamburg, New York  
KAI Project No. 2947

Dear Mr. Crandall:

This letter is written to address the issues raised during the Town of Hamburg Planning Board's public hearing held on October 16, 1996 regarding the above referenced project. It is our intent to meet the requirements for preliminary plat approval and advance this subdivision development as outlined in the General Provisions of the Subdivision Regulations, Chapter 31, Code of the Town of Hamburg. The issues are addressed as follows:

- Stop signs, stop bars, crosswalks, 15 mph speed zones and other traffic control devices and markings will be designated for the proposed subdivision in conjunction with the Traffic Safety Board and Town Highway Department review and recommendations to assure the adequate provision of safe and convenient traffic access and circulation.
- The proposed road connecting Holly Place will be designed to facilitate smooth and safe movement of vehicles at the new "T" intersection. An enlarged plan detail shall be forwarded to the Planning Department for Traffic Safety Board, Highway Department and Engineering Department approval.
- Concrete sidewalks shall be provided if required. The sidewalks will be installed as each lot is developed and will be in accordance with the Town of Hamburg standard details and specifications. Since adjacent properties at the proposed road connections (Holly Place and South Abbott Road) do not have sidewalks, special consideration and planning will be required for the end of sidewalk transition at these areas.
- A copy of all deed restrictions will be forwarded to the Town to assist in assuring proper legal description, real estate boundaries and easement designations.



Mr. Richard Crandall  
Town of Hamburg Planning Department  
November 6, 1996  
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- Based on the proposed subdivision layout, the determination has been made by the Town of Hamburg to accept from the developer an amount equal to \$600/lot in recreation fees in lieu of a new recreation space located within the proposed subdivision. This arrangement has been reviewed and agreed upon by the Recreation Department and Planning Board twice each to date. We concur with the Town's opinion that it is illogical to provide another playground so close to the existing playground on Holly Place which would become a maintenance and financial burden to the Town. The \$48,600 ± could be well spent in upgrades to existing Town facilities. The developer shall provide payment of \$600.00 per lot in lieu of recreation land according to the Town of Hamburg fee schedule as stated in Article 31-23 (D), Subdivision Regulations, Chapter 31.
- The developer will enter into discussions with Holly Place property owners on either side of lot #79 where a strip of land connects to Holly Place south of Best Street. Due to the irregular lot configuration of this proposed lot, it may be beneficial to all parties to review options and either subdivide or deed restrict the parcel.
- Although the question was raised if wet detention ponds (contains water at all times) should be constructed within the proposed subdivision, the Engineering Department affirms that "dry detention basins" are required to assure a safe, aesthetically pleasing and nuisance free stormwater management facility.
- All stormwater drainage facilities will be designed to accept flows from a 10-year storm. Drainage within the development shall be received and discharged at locations and at flow rates that existed prior to this development. The discharge flow shall be restricted by detention basin outflow pipes where flow rates shall be less than predeveloped conditions. Sufficient storm sewer facilities exist to accept the regulated stormwater flows to the Rush Creek (Hamburg) and Neuman Creek (Orchard Park) tributaries.
- The sanitary sewer system will be gravity fed and connect to an existing sewer main at the southwest corner of Holly Place. Adequate downstream capacity is available for this subdivision.
- The waterline system shall be designed to meet Town of Hamburg and Erie County Water Authority (ECWA) standards and recommendations. We will continue to work with the Town and ECWA with plans to loop the existing lines on South Abbott Road. This waterline improvement will increase present flows and pressures which will be beneficial for the proposed subdivision as well as the Town of Hamburg and the existing residential area.

Mr. Richard Crandall  
Town of Hamburg Planning Department  
November 6, 1996  
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- Based on the size of the project and the configuration of streets within the proposed subdivision, a formal traffic study is not required. The site plan has been revised to incorporate Planning Board recommendations from previous submissions. Pursuant to working with the Town Planning Board, this gently curving road design eliminates "cut-thru" traffic and discourages excessive speeds. All necessary traffic control signage and pavement markings shall be implemented for safe and convenient vehicular and pedestrian circulation.

Based on a report produced by the Institute of Transportation Engineers entitled "Trip Generation", 5th edition, 1991, anticipated traffic volumes generated by the proposed 81 lot subdivision do not substantiate the need for a formal traffic study. A traffic study is usually not recommended unless the subdivision is larger than 100 lots or vehicle trips begin to exceed 100 trips per peak hour where only a single outlet road is proposed. This project will contain two outlets and the anticipated peak hour trips will be significantly less than 100.

We trust the information provided is sufficient for your review and approval. If you should have any questions or require additional information, please advise.

Very truly yours,

KREHBIEL ASSOCIATES, INC.



By  
Michael J. Metzger, P.E.  
Project Manager

jc/WP-13/2947

cc: Mr. Andrew Reilly, P.E., Wendel  
Mr. Kevin Curry, Patrick Development Co.



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ASSOCIATES, INC.**

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Engineering  
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November 6, 1996



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Lorraine Biryla, Planning Board Chair.  
Town of Orchard Park  
S4295 South Buffalo Road  
Orchard Park, NY 14127

Richard Crandall, Planning Board Chair.  
Town of Hamburg  
6100 South Park Avenue  
Hamburg, NY 14075

Re: Rolling Ridge Subdivision (formerly Tiffany Meadows)  
Abbott Road and Best Street  
Towns of Hamburg and Orchard Park  
KAI File No. 2947

Dear Ms. Biryla and Mr. Crandall:

As you know, we have submitted Concept Plans for the above named subdivision to the Town of Orchard Park Planning Board, the Town of Orchard Park Zoning Board of Appeals and preliminary plat drawings to the Town of Hamburg Planning Board since this project falls partially within both the Towns of Hamburg and Orchard Park.

Of the entire 44 ± acres of project area and total 81 lots, the portion lying within the Town of Orchard Park is only 2.75 ± acres in size, containing 4 lots. At the September 11, 1996 meeting, the Orchard Park Planning Board recommended to allow R-2 zoning provisions for this area due to the corresponding lot sizes that will be developed in the Town of Hamburg portion of the site. The subdivision lots would meet R-2 lot square footages, setbacks and coverage to make them more conforming to the smaller Hamburg lots. The Orchard Park Zoning Board of Appeals subsequently granted a variance to allow these guidelines. The Orchard Park Planning Board further stated that they would release their right to review the project further to the Town of Hamburg should they concur. It was mentioned that the issue of street maintenance would need to be resolved by the respective Town Engineers and Highway Departments.

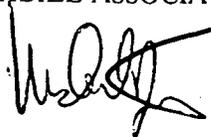
At this point, if both entities agree, we respectfully request that due to the few lots (4 lots) that will fall within the Town of Orchard Park, that the review of the entire subdivision be completed by the Town of Hamburg with the lots falling within Orchard Park meeting Orchard Park R-2 requirements. Street maintenance and utility issues would be coordinated between the two engineering and highway departments with copies of submittals to be provided to both the Town of Orchard Park and the Town of Hamburg.

We would be pleased to address any comments with you. We can be reached at 693-9300.

Sincerely,

KREHBIEL ASSOCIATES, INC.

By

  
Michael J. Metzger, P.E.  
Vice President

LL/jc/WP-13/2947

cc: Kevin Curry  
Andrew Reilly, P.E.



Sprint Spectrum for a Cellular Tower on Hopevale Property - Howard Road.

Sprint Spectrum for a tower on the Newton Abbott Fire Co. property on Abbott Road.

Two applications have been presented for cellular towers on the aforementioned properties. The ordinance is in the process of being drawn up. A hearing will be held at the Town Board level on November 25th at 7:15 p.m. On the application for the Hopevale property, the tower will back up to the Willow Run Subdivision. There is a tree line, but the tower will be visible from the subdivision. There is a need to check the closeness to the subdivision. Adjacent properties are to be shown on the drawing as well as structures. Also we will need site lines.

Comments from Engineering are attached.

- (1) The proposed driveway to the tower site is located in the A-1 100 year Flood Zone of Foster Brook. A Flood Plain Development permit is required to be obtained for work within the flood zone. The proposed driveway runs parallel to the existing site driveway for over 150 feet. The drive should be relocated out of the flood zone and connect with the existing drive south of the proposed location.
- (2) The flood plain information note "per Erie County Soil" is not correct. Flood plain locations are as determined by FEMA. Revise as necessary.
- (3) The existing houses located east of the site on Buckingham Lane should be shown for reference purposes.
- (4) The proposed gravel driveway is to be paved. Provide a proposed pavement section.
- (5) Barbed wire on top of the fence is not permitted without a variance from the Zoning Board of Appeals.
- (6) The note on the Guy Tower Schematic "Tower mfg. shall" appears to be incomplete. What is the tower manufacturer required to do?
- (7) Provisions should be made for shared access by other communications companies.
- (8) Due to the height of the tower, it appears that an aircraft warning light should be provided at the top.

Sprint (Continued)

SUBJ: 11/6/96 PLANNING BOARD WORK SESSION AGENDA  
Sprint Communications Tower - Newton Abbott Fire Hall  
3426 Abbott Road

The following are review comments on a plan dated 8/1/96:

- (1) The proposed barbed wire on the fence is not permitted without a variance from the Zoning Board of Appeals.
- (2) What is the purpose of the proposed large parking area? The parking area and driveway are to be paved. Provide a proposed pavement section. The existing driveway to the site would better be described as a muddy trail, instead of a gravel road.
- (3) Provide details for the proposed pole foundation.
- (4) The location and orientation of the adjacent existing baseball field should be shown for reference purposes.
- (5) Due to the height of the tower, it appears that an aircraft warning light should be provided at the top.

All comments must be addressed for approval.

Yovienne Subdivision = R.A. parcel - Taylor Road 120 sub lots.

We have received a sketch plan proposal for a 120 sub lot subdivision to be located on 146 acres of land on Taylor Road. Comments are as follows:

**Recreation:**

TO: Planning Board

FROM: Richard E. Tripp, Director of Recreation

RE: Yoviene Subdivision

We have received the proposed site plan for the Yoviene Subdivision and suggest the following:

1. Require an active recreation area centrally located in the subdivision. Said area should be at least one acre in size and be fairly flat.
2. Is the proposed "Green Space" wetlands? If it is why are we accepting it?
3. Require the developer to set aside some funding for equipment.

# TOWN OF HAMBURG

5000 SOUTH PARK AVENUE • HAMBURG, NEW YORK 14075 • (716) 649-6111 • FAX (716) 649-4087



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PATRICK H. HOAK

Town Attorney  
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Town Clerk  
GEORGE DANYLUK

Supr. Of Highways  
RICHARD A. SMITH

Receiver of Taxes  
ROBERT A. MARS

Councilmen  
D. MARCO CAVALLO  
JAMES F. CONNOLLY  
KATHLEEN COURTNEY HOCHU  
THOMAS J. QUATROCHE, JR.

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TO : Planning Board  
FROM: Engineering Dept.  
DATE: 11/4/96  
SUBJ: 11/6/96 PLANNING BOARD MEETING WORK SESSION AGENDA  
Sketch Plan Yoviene Subdivision - Taylor Road

The following are review comments on a plan dated October 1996:

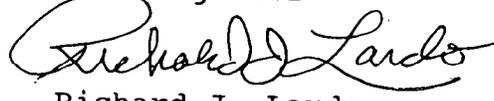
- (1) Specify the proposed ownership of the 50 feet buffer area along Taylor Road.
- (2) Specify the proposed ownership of the green space area. Access to the green space parcel in the southeast corner should be provided.
- (3) Storm water detention facilities will be required for the site. Show the proposed locations of these facilities.
- (4) The site is in the Erie County Sewer District No. 3 service area (ECSD#3). The district should be contacted to determine if there is sufficient available capacity in their system to service the site.
- (5) The site is not in a water district. A new water district must be created to service the site. The Erie County Water Authority should be contacted for pressure and flow information in the system.
- (6) Many of the sublots are not at right angles or radial to the street lines and are to be revised accordingly.
- (7) Streets which do not intersect at a right angle are to be revised accordingly.

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- (8) Taylor Road is a County road. The Erie County Highway Department should be contacted to determine if the proposed connection is acceptable.
- (9) Are there any restrictions for working or constructing homes in the vicinity of the high pressure gasline that crosses the site?
- (10) According to local residents, the Village of Hamburg dumped garbage on this site several years ago. However, the Environmental Assessment Form submitted states that the site has never been used for such. Have any soil borings or other tests been performed at the site to investigate this matter?
- (11) The proposed stub street to the west is located approximately 670 feet west of the approved Ridgefield (Tasseff) Subdivision. The stub is approximately 4000 feet from Taylor Road. Being that the developer and the Town do not have any control over the extension of the stub street, the development could possibly have only one means of ingress and egress. The development should not be approved to be constructed more than 500 feet from Taylor Road without a second means of ingress and egress being provided.
- (12) There is an existing paper street (Crestridge Drive) shown on Map Cover 1753 east of the proposed site. This street should be connected from Vail Drive into the development.
- (13) The proposed development requires rezoning from R-A to R-1. The Town has not yet received a rezoning application in this regard.

All comments must be addressed for approval.

  
Gerard M. Kapsiak, P.E.  
Town Engineer

  
Richard J. Lardo  
Principal Engineer

RJL/dhp

It was also noted that on the application there is an indication that there are woodlands nearby. According to the Open Space plan, this is the Northampton Brook Woods. Board members are not enthused about the present layout. Item to be on November 20th meeting as a discussion item.

**Eberhardt 2 Lot Subdivision - North Creek Road**

Planning Board members noted that an up to date survey will be required before we can proceed with this 2 lot subdivision.

Comments from **Engineering** are as follows:

TO : Planning Board  
FROM: Engineering Dept.  
DATE: 11/4/96  
SUBJ: 11/6/96 PLANNING BOARD WORK SESSION AGENDA  
Eberhardt Subdivision - Southwestern Blvd.

The following are review comments on a survey not dated:

- (1) The sublots should be numbered and the lot dimensions provided.
- (2) Public water service is available along Southwestern Blvd.
- (3) Public sanitary sewer service is not available along Southwestern Blvd.

All comments must be addressed for approval.

**Kryszak Subdivision - Allendale and Dorchester**

Mr. Reilly noted that this request is for a 2 lot subdivision. The owners want the lots to face Allendale. The applicant would like to build a duplex. However, there is no water service available. Mr. Crandall is to set up a meeting with Mrs. Kryszak to discuss further options.



# TOWN OF HAMBURG

5-5100 SOUTH PARK AVENUE • HAMBURG, NEW YORK 14075 • (716) 649-6111 • FAX (716) 649-4087

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Supt. Of Highway  
RICHARD A. SMITH

Receiver of Taxes  
ROBERT A. MARS

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TO : Planning Board  
FROM: Engineering Dept.  
DATE: 11/4/96  
SUBJ: 11/6/96 PLANNING BOARD WORK SESSION AGENDA  
Kryszak Subdivision - Allendale Pkwy.

The following are review comments on a survey dated 10/18/96:

- (1) Public water service is not available to the proposed lot facing Dorchester. A waterline extension along the frontage of the property from Allendale Parkway would be required to service the site.
- (2) Public sanitary sewer service is not available on this portion of Dorchester Parkway. A main line extension toward McKinley Parkway would be required to service the site.
- (3) The westerly most portion of the new subplot is zoned C-3.
- (4) The proposed sublots should be numbered.

All comments must be addressed for approval.

*Gerard M. Kapsiak*  
Gerard M. Kapsiak, P.E.  
Town Engineer

*Richard J. Lardo*  
Richard J. Lardo  
Principal Engineer

RJL/dhp

Legal Clarification on Beach Rights

Mr. Crandall noted that Duke Spittler would like some clarification on the issue of the high water table and where the beach right is. When the Horizons Commission was formed, they wanted to make sure that public access was maintained. The Corps of Engineers has backed the right to walk along the beach. Mr. Spittler is concerned that the subdivision is in conflict and does the public have the right to walk across the property. His claim is that title goes to the water level of Lake Erie.

Mr. McKenna noted that the law of the state determines title not the federal government. Lake Erie has nothing to do with title. The law governs. All legal descriptions have reference to Lake Erie. The Corps of Engineers has never challenged the question of title. Mr. McKenna would like to see Schoellkop's title to make a finding. Mr. Crandall would like a legal interpretation and will write a memo to Attorney McKenna asking for a review.